

YCS - 6-15-08

CRF 08-3355

3:00

MARCO ANTONIO TOPETE

DEPT 7

6-26-08

HEARING ON MOTIONS:

1) 187(A);D/190.2(A)(7)/190.2(A)(5)PC/190.2(A)(22)/190.2(A)(15)PC; 1a) 12022.53(D)PC;
 2) 12031(A)(1)(2)(C)PC; 3) 12021(A)(1)PC; 4) 2800.2(A)VC; 5) 186.22(A)PC; 6) 273A(A)PC;
 CASE ENH: a) 667(A)(1)PC; b) 667(A)(1)PC; c) 667.5(b)PC; d) 667(E)(2)PC
 JUDGE DAVID ROSENBERG CT RPTR *Mullin* BOOKING FEE \$154.48 CLERK *Salmon*

A APPEARANCES:

- 1 ☒ Dft. appears ☐ In custody ☐ Dft. not appearing
 2 ☒ With / by Atty. / Pub. Def. *Salmon & Johansson*
 3 ☒ Deputy Dist. Atty. *Reising*
 4 ☐ Deputy Probation Officer
 5 ☐ Interpreter sworn L: _____
 6 ☐
 7 ☐ Stip. to Pro-Tem Judge

B ARRAIGNMENT:

- 1 ☐ Answers true name as charged
 2 ☐ Waives reading of Compl / Info / Dec
 3 ☐ Handed copy of Compl / Info / Dec
 4 ☐ Handed copy of Discovery
 5 ☐ Defendant Duly Arraigned
 6 ☐ Waives Formal Arraignment

C REFERRALS ORDERED:

- 1 ☐ Referred to: PUBLIC DEFENDER
☐ Referred To: PROBATION
 2 ☐ Pre-Plea ☐ Bail Study ☐ O.R. Report
 3 ☐ R & S ☐ Diversion ☐ Supplemental
 4 ☐ Pub. Def. Conflict Filed; Appointed
 5 _____
 6 ☐ Report to _____ for booking

D ORDERED CONTINUED TO:

- Date *6-27-08* Time *8:30* For *FUL ARR / PLEA* Dept. *9*
 1 ☐
 2 ☐
 3 ☐
 4 ☐
 5 ☐ Copies to DA _____ 6 ☐ Crt Ack _____ Rpt
 7 ☐ Continued Party Mot. 8 ☐ Continued Court Mot.

E MOTIONS / AMENDMENTS / ORDERS:

- 1 ☐ Motion to / for _____
 2 ☐ Argued & Submitted ☐ Submitted without argument
 3 ☐ Granted ☐ Denied ☐ Taken Under Submission
☐ Grounds: _____
 4 ☐ Complaint amended on its face to add CT # _____
 a violation of section _____
 5 ☐ Count # _____ Reduced to _____ ☐ 17b
 6 ☐ Complaint amended on its face to correct count # _____
 to a violation of _____
 7 ☐ Protective Order signed / filed / served in open court / to remain
 in effect to _____

F WAIVERS / PLEAS:

- 1 ☐ Defendant waives Constitutional Rights
 (SEE REVERSE)
 2 ☐ Pleads Guilty, CT # _____
 3 ☐ Pleads No Contest, CT # _____
 4 ☐ Pleads Not Guilty, CT # _____
 5 ☐ Jury Trial Waived / Demanded
 6 ☐ Time for Trial / PX / Waived / NOT Waived / Cont.
 7 ☐ Defendant requests permission to withdraw
 NOT GUILTY / GUILTY / NO CONTEST Plea

- 8 ☐ Prior convictions
☐ Admitted ☐ Denied
 9 ☐ Constitutional Rights and plea form filed
 10 ☐ Defendant waives time for sentencing
 11 ☐ Court Finds / Cou Stip: Factual Basis
 12 ☐ Cou / Peo States Reason for Plea on the Record
 13 ☐ Diversion granted, count _____ suspended
 for _____ months.
 14 ☐ Per Court / DA dismiss, Complaint / CT # _____

G WARRANT ORDERS:

- 1 ☐ Bench / Arrest Warrant to Issue
☐ Bail Set at \$ _____
☐ No NTA / OR Release
 2 ☐ For _____
 3 ☐ Recalled ☐ Filed ☐ Set Aside
 4 ☐ Hold Until _____
 5 ☐ Held Warrant Issued
 6 ☐ Civil Assessment Ordered \$300.00

H PROBATION ORDERS: ☐ Formal ☐ Informal ☐ See Probation Order

- 1 ☐ Probation Reinstated / Modified: Original terms in full force and
 effect except as follows;
 2 ☐ Sentenced to _____
 3 ☐ Case transferred to _____ purs. to 1203.9PC
 4 ☐ Defendant given rights to Revocation Hearing: Admits / Denies allegations.

- 5 ☐ Sent to State Prison, Execution of Sent. Susp.
 6 ☐ Probation Revoked: Defendant found in violation of probation.
 7 ☐ Probation terminated
 8 ☐ Diversion terminated: passed / failed
 9 ☐ Criminal Proceedings Reinstated / Dismissed
 10 ☐ Probation Extended to _____
 11 ☐ Proceedings Susp
 12 ☐ Def Accepts Prob. / Reinstatement

I FINE / REFERRAL ORDERS:

- 1 ☐ Fine (Inc. P/A) 6 ☐ Other
 2 ☐ A/R Fee \$35 7 ☐ _____ Mo./Beginning
 3 ☐ Court Sec. \$20
 4 ☐ NTA Fee \$10 8 ☐ Referred to traffic school
 5 ☐ Rest 1202.4 \$110/\$220 \$ _____ by _____

- 9 ☐ Proof shown dismiss CT # _____
 10 ☐ Fine / Jail Suspended on CT # _____
 11 ☐ Pay attorney fee costs ☐ Misd. ☐ Felony ☐ Waived
 12 ☐ Proof of correction on CT # _____ due by _____
 13 ☐ \$10.00 Fix-It Fee on CT # _____ due _____
 14 ☐ Civil Assmt. owed \$300 or reduced to _____
 15 ☐ Warrant repo & DMV Fees owed WR \$15 DMV \$10

J BAIL ORDERS:

- 1 ☐ BB / CB forfeited
 2 ☐ BB / CB forfeiture set aside and reinstated / exonerated
☐ Upon pmt. of \$ _____ for re-assumption fee.
 3 ☐ BB / CB exonerated

K JAIL ORDERS:

- 1 ☐ Be imprisoned _____ hrs / days / months / yr. with CTS
☐ Plus _____ days in lieu of fine in ☐ Co. Jail ☐ State Prison
☐ See Additional Page for State Prison Sent.
 2 ☐ Credit for Time Served _____ hrs / days / months
 3 ☐ Sentence to commence _____
 4 ☐ Serve consecutive / concurrent with _____

L REMANDING ORDERS:

- 1 ☒ Remanded to County Jail Bail set \$ *NO BAIL*
 2 ☐ Remanded to Serve Time
 3 ☐ Ordered Released ☐ On own OR ☐ Conditional
 4 ☐ To be transported by Prob. Ofcr. / Program Rep.

M DEFENDANT STATUS:

- 1 ☐ OR ☐ BB ☐ CB ☐ NTA / LTA Continued ☐ ROP ☐ OTA
☐ Search person / property / residence ☐ Test Alcohol / Drugs
 2 ☐ Attend Counseling / NA / AA _____ x Week
 3 ☐ Bring proof at next court date. ☐ Counseling to be approved by Probation.

I certify the foregoing copy of judgment rendered on the above date by the above named Judge.

CLERK OF THE COURT BY *Salmon*, DEPUTY

TO THE SHERIFF: The foregoing certified copy of Judgment in the above entitled action is your authority for the execution thereof. (PC1213)

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: David Rosenberg
Clerk: Heather Salmon
Reporter: Michelle Muller
Date: June 26, 2008

HEARING: Motions

Counsel for the People: Jeff Reisig, DA

Counsel for Defendant(s): Tracy Olson, APD
Dean Johansson, APD

3:01 PM

Defendant and counsel present in open court. Assistant Daniel Cederborg, and Stephen Johanson for KCRA present before the court.

Court advised the case was already on calendar for further Arraignment and entry of plea June 27, 2008 at 8:30 AM in Department 9.

Court had read and reviewed defendant's motion #2 and #3, and opposition to motion #3.

Court gave tentative rulings as to motions #2 and #3.

Counsel for the defendant filed a supplement to motion and points and authorities for defendant to appear at all court proceedings without restraints or to ban cameras (#3B)

Arguments presented regarding motion # 3, for defendant to appear at all court proceedings without restraints.

Court ruled as follows:

Cameras will not always be allowed during court proceedings.

Two still cameras and one pool camera will be allowed tomorrow for the electronic media.

Court granted the motion for the defendant to be dressed in civilian clothing, and found no manifest need to restrain the defendant during proceedings.

Court signed the order allowing defendant to wear civilian clothing to court (#2A), and the order allowing defendant to appear in court without restraints (#3A). The verbiage "subject to further order of the Court" was added to both orders.

Discussions heard regarding the numbering of motions. All motions to be numbered consecutively as People's 1, 2, 3, etc.... and Defendant's 1, 2, 3, etc....

3: 25 PM

Court adjourned.

frmlmins.s (FMO-4)